I. Drawing Objection

The Examiner objected to the drawings under 37 CFR § 1.83(a) for not containing every feature of the invention specified in the claims. Specifically, the Examiner objected to the lack of a depiction of a mouse, as recited in the claims. In response, Applicants have submitted a proposed drawing amendment to Figure 1 that includes a mouse. Also, Applicants have amended the specification to refer to the mouse in Figure 1. No new matter has been added to the application by way of these amendments. Accordingly, Applicants respectfully request that the drawing objection be withdrawn.

II. 35 U.S.C. § 103, Obviousness

The examiner has rejected claims 1-4, 7, 9-14 under 35 U.S.C. § 103(a) as being unpatentable over *Willner* et al., (U.S. Patent No. 6,288,709) in view of *Russell* (U.S. Patent No. 5,481,265). This rejection is respectfully traversed.

As per claims 1, 7, 13, and 14, which are representative of the other rejected claims, the Office Action states:

> As per claims 1, 7, 13, 14, Willner shows a wireless computer (In Col. 3, lines 34-38) input device for use with a data processing data processing system having a wireless transmitter for transmitting signals (In Co. 7, lines 30-32 and element 200 in fig. 5) and a selector (In co. 14 lines 35-42) for selecting a one of plurality of wireless devices with which to operate, wherein a selector causes a signal to be transmitted from the wireless transmitter (in col. 14 lines 25-420.
>
> Willner does not show a plurality of data processing systems to operate with wireless controller. Russell shows a plurality of computer device being controlled by wireless controller (In Fig. 14 and in col. 17 lines 8-10) It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to allow the teaching of Russell's plurality of data processing into the system of Willner's because it would have provided a interface system allowing signal transmission and reception without rigorous aiming of the input device and externally switchless.

A. Burden

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972

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F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The Examiner has failed to meet that burden for the following reasons.

B. References must teach all elements of the rejected claims

For an invention to be prima facie obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

With regard to independent claims 1, 7, and 13, the references fail to teach or suggest all elements of these claims. The rejected independent claims, 1, 7, and 13, recite "a selector for selecting a one of a plurality of data processing systems with which to operate," "a computer selector for selecting one of the plurality of data processing systems for interaction with the peripheral input device," and "receiving a selection of a particular data processing system of the plurality of data processing systems," respectively, which are not taught or suggested by the references. Independent claim 1, representative of the other rejected claims, is reproduced below:

> 1. A wireless computer peripheral input device for use with a data processing system, the input device comprising:
> a wireless transmitter for transmitting signals; and
> a selector for selecting a one of a plurality of data processing systems with which to operate, wherein invoking the selector causes a signal to be transmitted from the wireless transmitter.

As the Examiner has pointed out, the *Willner* reference does not teach an input device in which the user may use a selector to select one of a plurality of data processing systems with which to operate. Therefore, with respect to the claimed features of "a selector for selecting a one of a plurality of data processing systems with which to operate," "a computer selector for selecting one of the plurality of data processing systems for interaction with the peripheral input device," and "receiving a selection of a particular data processing system of the plurality of data processing systems," we consider now only the *Russell* reference.

Russell teaches a portable input device that may be used with any of a number of computers in a local area network (LAN) to which it has access:

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> Referring now to FIG. 14, groups of computers are shown arrayed within a computing institution or enterprise.
>
> One or more properly authorized users (using one or more properly authorized devices 101-110 of the type of device 10 of FIG. 1A) in the local area network (LAN) shown in FIG. 14 can gain access to any computer on the LAN implementing the present invention, under the organizational auspices of an all-encompassing, enterprise-wide, security-oriented access and authorization privileges plan. [col. 17, lines 9-17].

Nowhere in *Russell* is there any teaching or suggestion of a selector with which to select one of a plurality of computers with which to work, however. *Russell* contemplates that the input device may have different security privileges with respect to different computers, but there is no teaching or suggestion of a selector that would allow a user to select one of a plurality of data processing systems (e.g., in the same room) with which to work. The *Russell* device, presumably, is only able to operate with the computer that it is in closest proximity to, since no selector exists in *Russell.*

The Examiner has pointed out that in *Willner*, a selector for selecting other wireless devices is present in the device taught in that patent. Yet, the device taught in *Willner* still does not select one of a plurality of data processing systems with which to operate, as the selections that *Willner* makes available are other types of devices, such as a TV or VCR. Thus, neither of the references cited contains the claimed features of "a selector for selecting a one of a plurality of data processing systems with which to operate," "a computer selector for selecting one of the plurality of data processing systems for interaction with the peripheral input device," or "receiving a selection of a particular data processing system of the plurality of data processing systems."

C. No motivation to combine or modify the references to achieve the present invention exists in the prior art

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d

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1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Even if the missing element of the rejected claims existed in the prior art, for the rejected claims to be obvious there must be some motivation or incentive from the prior art to modify or combine the reference teachings to achieve the present invention. The Examiner suggests that proving "an interface system allowing signal transmission and reception without rigorous aiming of the input device and externally switchless" is a possible motivation to combine the references. The Examiner's argument is meaningless, however, because modifying and combining the reference teaching to achieve the present invention, were that even possible, would not achieve the Examiner's goal. The presently claimed invention is not necessarily externally switchless, nor is "rigorous aiming" a problem that is addressed or solved by the presently claimed invention.

In addition, the prior art references cited by the Examiner are directed toward entirely different problems than that addressed by the presently claimed invention. *Willner* is directed toward an input device that more resembles video game controls, so as to provide a more ergonomic and convenient interface, particularly for younger users who may be more familiar with video game controls than with the traditional keyboard layout. *Russell* is directed toward providing a wearable input device that is more ergonomic and compact than traditional pointing devices. Neither of the references is directed toward solving the problem of selecting which of a plurality of data processing systems to operate with a single device (e.g., from a single location, such as a room).

Thus, Applicants respectfully submit that the Examiner has failed to identify a motivation or suggestion to modify and combine the references in a manner so as to achieve the present invention. If the Examiner cannot make such a showing, then the Examiner has simply relied on hindsight with the benefit of Applicants' disclosure to develop an incentive for the changes, which in fact, would not be obvious to one of ordinary skill in the art at the time the invention was made.

D. The prior art teaches away from the claimed invention

Furthermore, the *Russell* reference actually teaches away from the presently claimed invention since the reference directs one to make an input device that does not

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contain a selector and that must rely on the proximity of the device to a computer and access privileges to determine which computer to use, rather than directing one to produce a device that includes a selector for selecting which computer (e.g., out of a room full of computers) to operate. *See In re Hedges*, 228 U.S.P.Q. 685 (Fed. Cir. 1986). Thus, one of ordinary skill in the art would not be motivated from the references make the changes necessary to derive the present invention from the reference teachings.

E. Dependent claims

If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 2-4, 9-12, and 14 are dependent claims that depend on independent claims 1, 7, and 13. Applicants have already demonstrated claims 1, 7, and 13 to be in condition for allowance. Applicants respectfully submit that claims 2-4, 9-12, and 14 are also allowable, at least by virtue of their dependency on allowable claims. Furthermore, claims 2-4, 9-12, and 14 recite additional subject matter not suggested by the cited reference. For instance, claim 9 recites that selection of the data processing system to be used dependent on the orientation of the input device. This feature is neither taught nor suggested by the references.

For the foregoing reasons, Applicants submit that claims 1-4, 7, and 9-14 are patentable over the references. Accordingly, Applicants respectfully request that claims 1-4, 7, and 9-14 be allowed.

III. Objection to Claims

The examiner has stated that claims 5, 6, 8, and 15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, the claims have been rewritten to overcome this objection.

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IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 5 February 2003

Respectfully submitted,

Michael R. Nichols

Michael R. Nichols
Reg. No. 46,959
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorney for Applicants

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Appendix A: Redacted Paragraphs

The paragraph that began at page 11, line 13, reads as follows:

Those of ordinary skill in the art will appreciate that the hardware in **Figure 1** may vary depending on the implementation. For example, more or fewer data processing systems may be utilized than that depicted in **Figure 1**. Furthermore, the present invention is not limited to keyboards, but applies directly to a mouse (e.g., mouse **132**) or any other peripheral device that exchanges data with a computer. The only requirement is that the peripheral device must have the capability of wireless communications with the data processing systems. Also, although described with reference to a single keyboard, there could be multiple keyboards within the computer lab. For example, a lab could contain 50 computers and five keyboards. Furthermore, more than one keyboard could be in operation at one time with, for example, one keyboard communicating with a first computer while a second keyboard is communicating simultaneously with a second computer.

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Appendix B: Redacted Claims

5. (amended) A wireless computer peripheral input device for use with a data processing system, the input device comprising:

a wireless transmitter for transmitting signals; and

a selector for selecting a one of a plurality of data processing systems with which to operate, wherein invoking the selector causes a signal to be transmitted from the wireless transmitter [The input device as recited in claim 1],

wherein the wireless transmitter is a radio frequency transmitter.

7. (amended) A computing system, comprising:

a plurality of data processing systems; and

a peripheral input device; wherein

the peripheral input device [comprises] includes a computer selector for selecting one of the plurality of data processing systems for interaction with the peripheral input device;

the peripheral input device [comprises] includes a wireless transmitter for providing communications with any of the plurality of data processing systems; and

each of the plurality of data processing systems comprises a wireless receiver for receiving wireless communications from the peripheral input device.

8. (amended) A computing system, comprising:

a plurality of data processing systems; and

a peripheral input device; wherein

the peripheral input device includes a computer selector for selecting one of the plurality of data processing systems for interaction with the peripheral input device;

the peripheral input device includes a wireless transmitter for providing communications with any of the plurality of data processing systems;

each of the plurality of data processing systems includes a wireless receiver for receiving wireless communications from the peripheral input device;[The computing system as recited in claim 7, wherein]

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the wireless transmitter is a radio frequency transmitter;

the wireless receiver is a radio frequency receiver;

the wireless receiver of each of the plurality of data processing systems is tuned to accept input on a received radio frequency wherein the received radio frequency for each of the plurality of data processing systems is different from that of each of the other plurality of data processing systems; and

the computer selector allows selection of one of a plurality of radio frequencies wherein each of the plurality of radio frequencies corresponds one of the received radio frequencies.

15. (amended) A method for accessing a plurality of data processing systems using a wireless input device, the method comprising:

receiving a selection of a particular data processing system of the plurality of data processing systems;

transmitting a signal from the wireless input device to only activate the particular data processing system within the plurality of data processing systems; and

sending data from the wireless input device to the particular data processing system after transmitting the signal to the particular data processing system, [The method as recited in claim 13,]

wherein the signal is a frequency recognized by the particular data processing system.

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